

Notice of Allowability

Application No.

10/042,615

Examiner

Lyle A. Alexander

Applicant(s)

MONBLANC ET AL.

Art Unit

1743

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the 5/2/05 amendments and 5/2/05 interview summary.
2. ☒ The allowed claim(s) is/are 1-14.
3. ☒ The drawings filed on 08 January 2002 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>5/2/05</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

~~Reply to Office Action of Error! Style not defined.~~

1 An examiner's amendment to the record appears below. Should the changes
2 and/or additions be unacceptable to applicant, an amendment may be filed as provided
3 by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be
4 submitted no later than the payment of the issue fee.

5 Authorization for this examiner's amendment was given in a telephone interview
6 with Mr. Gibby on 5/2/05.

7 1. (Currently amended) A holding device for holding a solid in a tube,
8 comprising:
9 a filter having an elastically deformable part that is coupled to a disk such that the
10 deformable part is transverse to the disc and wherein the disc and the deformable part are a
11 continuous piece of the same material; and
12 a spring pressing the elastically deformable part of said filter against the walls of
13 the tube; and
14 a reactant disposed within the tube.

1 2. (Previously presented) A holding device according to claim 1,
2 characterized in that the disc has transverse apertures.

1 3. (Previously presented) A holding device according to claim 1,
2 characterized in that the part is in the form of a tube with a slit over part of its length.

1 4. (Currently amended) A holding device according to claim 1,
2 characterized in that the part ~~comprises~~ includes two ~~tabs~~ slits.

1 5. (Previously presented) A test kit comprising:
2 a tube;

3 two holding devices according to claim 1; and
4 a reactant between the ends of the holding devices of claim 1.

1 6. (Previously presented) The test kit according to claim 5, characterized in
2 that the tube is made of glass.

1 7. (Previously presented) The test kit according to claim 5, characterized in
2 that the reactant is in the form of granules.

1 8. (Previously presented) The test kit according to claim 7, characterized in
2 that the discs have transverse apertures smaller than the size of the granules.

1 9. (Previously presented) The test kit according to claim 5, characterized in
2 that a cap closes off the tube at each of its ends.

1 10. (Previously presented) The test kit according to claim 5, characterized in
2 that the diameter of the ends is at most equal to the inside diameter of the tube.

1 11. (Previously presented) A method of assembling a test kit according to
2 claim 5, comprising the steps of:

3 introducing the holding device of claim 1 into a tube;

4 introducing a reactant into the tube; and

5 introducing a second holding device into the tube.

1 12. (Previously presented) A method according to claim 11, characterized in
2 that it furthermore includes the step of closing off the tube with a cap at each of its ends.

1 13. (Currently amended) A test kit comprising:
2 a tube;

3 two holding devices that each comprise a filter having an elastically deformable
4 part transverse to a disc, wherein the disc and the deformable part are a continuous piece of the
5 same material, and a spring pressing the elastically deformable part of said filter against the walls

6 of the tube; and

7 a reactant between the ends of the holding devices

1 14. (Currently amended) A method of assembling a test kit, comprising the
2 steps of:

3 providing a first holding device comprising a filter having an elastically
4 deformable part transverse to a disc, wherein the disc and the deformable part are a continuous
5 piece of the same material and a spring pressing the elastically deformable part of said filter
6 against the walls of the tube;

7 introducing the first holding device into a tube;

8 introducing a reactant into the tube; and

9 introducing a second holding device into the tube.

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The following is an examiner's statement of reasons for allowance: The cited prior art fails to teach or anticipate the claimed combination of a tube, a single piece elastically deformable filter with a spring and a reagent. The filter is placed in the tube and the spring internally presses the filter against the walls of the tube creating a seal which is not taught by the cited prior art. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Cory (USP 1,967,811) teaches a coffee filtration device having a filter(22) that is presses against the shoulder(8) and seat(9) by spring(10). This references is silent to "... a reactant disposed within the tube ..." as presently claimed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lyle A. Alexander whose telephone number is 571-272-1254. The examiner can normally be reached on Monday, Wednesday and Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jill Warden can be reached on 571-272-1267. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Appl. No. 10/042,615

Amdt. dated May 2, 2005

PATENT

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Lyle A Alexander
Primary Examiner
Art Unit 1743
